

The DHS, in a recent court filing—actually filed in a court filing where they made this statement:

Based on current trends, the Department expects that total encounters this fiscal year are likely to be the highest ever recorded. . . . The Department also expects that these numbers will climb even higher if the CDC Order [Title 42] is enjoined.

There is a real issue that is going on. So when Ale Mayorkas was in front of our committee, our committee had direct jurisdiction for oversight in what is happening in Homeland Security. There have been a lot of changes that have been done this year in how we are enforcing or not enforcing the border.

We have record numbers of individuals crossing the border. The border wall and that whole infrastructure, as well as the technology on the southern border, all the construction has stopped on that. The best we can tell, we have spent \$2 billion this year not building the wall.

Currently, it is not getting better. It continues to be able to get worse. We have 10,000 migrants in the Rio Grande Valley currently being held right now. That is 783 percent overcapacity in the Rio Grande Valley right now.

And on the Interior enforcement side with ICE—we have 6,000 ICE agents—and the last number that we saw last month, they did 3,000 deportations among 6,000 ICE agents in a month. The standard for them to actually interdict, detain, or deport an individual has now reached such a high standard that they have to contact regional leadership and ask permission by name to be able to interdict someone.

That has dramatically slowed down what is happening in Interior enforcement, what is happening at our border area.

And as we continue to be able to watch the number of individuals cross our border that are COVID positive, we have this odd situation where the Nation and the President are talking to companies and telling companies, “you need to mandate vaccines and you need to mandate masks,” when at the whole time we are literally bringing people from all over the world across our southern border and releasing them into the United States.

We have legitimate questions that need to be answered. May 13, when Ale Mayorkas was in front of our Committee, there were multiple questions that I had. It was a very cordial interchange and very frank going through the issues. I asked him very specific questions for specific numbers.

He said: I will follow up with that.

We wrote him a list of specific questions and asked for specific answers for that. To their credit, 2 months later—2 months later—we got a list of answers to the questions that I had asked. That was 24 hours ago.

The very specific answer on the issues—I asked about the volunteer force in DHS. The humanitarian exceptions to Title 42, including the policy

documents, they were very commendable on how they actually answered those.

To DHS, I would ask specific questions on how they are handling sex offenders, because ICE agents have told me over and over again sex offenders are not being interdicted in the numbers they were in the past. They gave us very specific answers on that.

But the problem was, half of the questions they gave us answers to and half they did not. For instance, we asked about the study that they started January 20th on the border wall. That study was supposed to be 60 days. It has now been more than 200 days. We just asked for the status of that study and, if we could see any of it, what were the findings.

Instead, I was sent a press release that they had put out. That is not what I need. In fact, that press release was copied in multiple places in the document to say “this is responsive.” That is not responsive.

There is a new process that has been put in place by this DHS called notice to report, where literally there is a large number of people crossing the border at once. They are taking those individuals out, doing biometrics, background checks and releasing them into the country with the statement of: Turn yourself in at an ICE office somewhere in the country.

No administration has ever done that. As far as we can tell, 55,000 people this year have been released into the country under a notice to report. That is a new process that is undefined. The questions we asked about that were completely unresponsive.

The Supreme Court made a decision on what is called a notice to appear just this year that should change the process from how DHS handles notice to appear. We asked very specific questions on how DHS is handling this issue based on the Supreme Court decision that was made a few months ago. They were completely unresponsive on that.

We asked about cost analysis for the border construction, what is happening on eminent domain on those issues and areas where they are choosing not to do eminent domain, and they were completely unresponsive to that.

So literally half our questions they answered completely, and half our questions they sent us fluff.

I am the only one who is holding this up—I am very aware—but it is also my committee of jurisdiction that specifically has border management. I am the one who is supposed to ask these questions, and I am asking these questions, and they are not unreasonable questions.

We are just asking to be able to get an answer to the questions so we can figure out what is the process and what is happening.

As recently as today, I learned that ICE is currently looking at a facility in western Oklahoma to do what they are calling a surge overflow temporary facility. That surge overflow temporary

facility they are looking to open is in western Oklahoma, to move people from the border, process them in western Oklahoma, and then release them from western Oklahoma.

It is not an unfair question for me to ask: What is this facility? What is its purpose? And will individuals who are not legally present in the country be released in western Oklahoma?

This is the same question that has been asked by mayors and leaders in Arizona, who have a facility like this in Arizona, where processing was done there and then they were released from there. And mayors and individuals there have asked the question: Why are individuals who are not legally present in the country being brought from the border to my town, and then released in my town?

It is not unfair for me to be able to ask that as well. I have already had that conversation with the Secretary of DHS. I do not have an answer.

So, yes, I object because we need to get some straightforward answers to some very straightforward, very fair questions.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. PETERS. Mr. President.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. PETERS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 159; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate, that no further motions be in order to the nomination, that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LANKFORD. I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Michigan.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. PETERS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination, Calendar No. 158.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk read the nomination of Robert Peter Silvers, of the District of Columbia, to be Under Secretary for Strategy, Policy, and Plans, Department of Homeland Security.

Thereupon, the Senate proceeded to consider the nomination.

Mr. PETERS. Mr. President, I ask unanimous consent that the Senate

vote on the nomination without intervening action or debate, and if confirmed, the motion to reconsider be considered made and laid upon the table, all without intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Silvers nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

The PRESIDING OFFICER (Mr. KAINE). The Senator from Texas.

INVESTING IN A NEW VISION FOR THE ENVIRONMENT AND SURFACE TRANSPORTATION IN AMERICA ACT—Continued

Mr. CRUZ. Mr. President, I rise today to discuss the mammoth \$1.2 trillion infrastructure bill before the Senate.

On Sunday night, we finally got to see the 2,700-page infrastructure bill that we will be voting on sometime tomorrow or Saturday. And what we saw is that Democrats want to give billions of dollars to unelected bureaucrats in the Biden administration to spend however they please.

This bill spends \$21.5 billion to create a new office at the Department of Energy called the Office of Clean Energy Demonstrations, which would give President Biden's Secretary of Energy the power to use taxpayer dollars to invest in whatever green energy initiative she likes. Reminiscent of Solyndra, we can have the same bankruptcies at taxpayer expense.

This bill spends \$24 billion in taxpayer dollars to preserve the water in the San Francisco Bay, and the Long Island Sound would receive \$106 million in taxpayer dollars.

As the New York Times reported, "Climate resiliency programs would receive their largest burst of government spending ever" from this bill.

And the Wall Street Journal rightly called it "a major down payment on President Biden's Green New Deal." That is exactly what this bill is.

Furthermore, this bill institutes a new tax on 42 chemicals that will raise prices for everyday consumers. Texans will bear the brunt of these high prices because 40 percent of the manufacturing plants that this new tax will hit are in Texas alone.

But this tax will also hurt Louisiana and Michigan and Pennsylvania and Ohio and other manufacturing States.

Indeed, this provision will also likely make many of the raw materials used

in infrastructure projects more expensive.

I filed an amendment that would strike this harmful provision. Not only will manufacturing plants in Texas be hurt by this new tax, but for some of these plants, the new taxes will exceed profit margins, leading to plant closings and more and more manufacturing moving to China.

In effect, the loss of these plants would result in lower tax revenue to the Federal Government, not more. Imports would rise, U.S. exports would fall, and production in the United States would fall as well.

Ironically, this infrastructure bill also tries to grow more critical minerals manufacturing and personal protective equipment, or PPE, manufacturing in America. But it places a brandnew tax on both of these things.

PPE is made with many of the 42 chemicals this infrastructure bill now wants to tax, and four of these chemicals are on the Biden administration's own critical minerals list.

The old saying was: If it moves, tax it, and if it stops moving, subsidize it. Well, this bill taxes the things that we are trying to get moving in the first place.

This bill is also a liberal spending wish list. The fact of the matter is, this bill spends too much money, and it is not paid for. We are told that this bill would, in part, be paid for with \$205 billion in repurposed COVID relief funds. But when the bill text was released, magically, those funds weren't there. It became apparent, instead, that only about \$50 billion in COVID funds was being used to help pay for this bill.

Some have claimed that the bill is paid for, but, by any measure, the pay-fors are quite simply gimmicks. This is a bait-and-switch, and the bill is not paid for like we were promised.

At a time when we spent trillions of dollars already to combat a deadly pandemic, at a time when we are seeing rising inflation across the country, we can't responsibly be spending yet another trillion dollars. This bill is part of a much broader problem we are having with reckless Federal spending.

Furthermore, suppose this so-called bipartisan \$1.2 trillion infrastructure bill were being offered in exchange for the Democrats' massive \$3.5 trillion reckless tax-and-spend bill. In that case, I could understand the logic of doing the smaller bill instead of the massive bill. But it is not being offered in exchange.

The Democrats have made it clear that they are going to pass this infrastructure bill, take every penny of the spending, and then turn around and try to ram through their massive \$3.5 trillion tax-and-spend bill right on top of this, which means we are looking at about \$5 trillion of spending in just those two bills.

That means trillions of dollars in new taxes. If you pay taxes, they are going up. It means corporate taxes are going up; it means individual taxes are

going up; it means small business taxes are going up; it means capital gains taxes are going up; it means the death tax is going up—all while our debt is going through the roof and inflation is rising across the country.

Republicans shouldn't play a part in this. We should instead say enough is enough.

Look, the American people want good roads and good bridges. I want good roads and good bridges. But what this bill does is reminds me of the old swindler who says over and over again: I am going to sell you a bridge; I am going to sell you the Brooklyn Bridge—because the proponents of this bill are selling the same bridge over and over and over again. They go on TV, and they say: Bridges are popular. Roads are popular. You want roads and bridges; therefore, we have to do this.

So let's see what the actual spending looks like to understand the shell game that is being played.

This bill has about \$100 billion for roads and bridges. Do you know what? If the Democrats want to pass just that—\$100 billion for roads and bridges—I bet you could we get 90 Senators to agree with that. We could be done and go home this evening.

And let me remind my fellow Senators: \$100 billion is a lot of money. We aren't talking about \$5 at a soda machine in the hall. We aren't talking about \$100. We are talking about \$100 billion, which, in history, is massive spending. But compare that to the \$1.2 trillion in this bill. It is not Monopoly money. It is not make-believe money. It is taxpayer dollars, and it is money we are borrowing from China and debt that we are putting on our kids and grandkids.

The roads and bridges part of this bill, in the context of the larger spending free-for-all in Washington, is about one-eighty-sixth the explosive spending going on. Let's compare that to the overall spending going on in this bill and the total spending, so that it is not in a silo or a vacuum; it is all together.

The \$1.2 trillion infrastructure bill today is roughly 12 times the new spending on roads and bridges. So they are selling the roads and bridges, but the bill is 12 times bigger. But that ain't it. A few months ago, the Democrats rammed through a massive, so-called COVID relief bill. Only 9 percent of the bill actually went to healthcare spending for COVID.

That was \$1.9 trillion. So that was roughly 19 times larger than what is being spent on roads and bridges. Mind you, we keep being told: Roads and bridges are good.

That bill was 19 times that.

And then the massive \$3.5 trillion tax-and-spend bill that is coming right after this that the Democrats intend to ram through—that is 35 times the spending on roads and bridges. And when you add up the spending from December 2020 to now, with the Biden budget request, with the Democrats' tax-and-spend reconciliation proposal,